



PATENT
Docket H 3763 PCT/JUS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KROPF, et al.
Appl. No. : 09/868,379
Filed : August 15, 2001
Title : FINE SUSPENSIONS OF POORLY SOLUBLE CALCIUM SALTS
AND THEIR USE IN DENTAL CARE PRODUCTS
Art Unit : 1614
Examiner : Shep Rose

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 6, 2003.

February 6, 2003
Date

Amy Alleborn
Signature of Certifier
Amy Alleborn
Typed or printed name of certifier

Assistant Commissioner of Patents
Washington, DC 20231

RESPONSE TO NON-FINAL ACTION

Applicants respond to the office action mailed December 23, 2002.

Claims 8 to 14 are pending in the application and stand rejected as anticipated under 35 U.S.C. § 102(a) by WO 99/20237 (Rudin). Applicants file with this Response a true and accurate translation of the priority application DE 198 58 662.0, filed December 18, 1998 in the German patent office, as set forth in the attached Declaration of Susan Anthony, translator. The translation establishes that applicants possessed their invention before the

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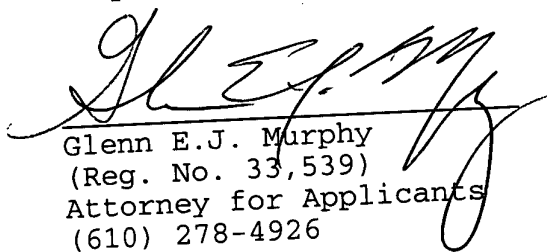
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effective date of the reference, April 29, 1999. Applicants therefore ask that the pending rejection over WO 9/20237 be withdrawn.

CONCLUSION

Applicants respectfully request entry of this response and reconsideration of the claims. Should any fees be due that have not been accounted for in order to have this paper entered and examination of the application continued, including any fees for extensions of time under 37 C.F.R. § 1.136, please charge Deposit Account No. 01-1250.

Respectfully submitted,


Glenn E.J. Murphy
(Reg. No. 33,539)
Attorney for Applicants
(610) 278-4926

Henkel Corporation
Patent Law Department
2500 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406

GEM/lmd

Enclosures

1. Translation of DE 198 58 662.0 and Declaration